

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08CV76-MU-02

DARIN C. SIMPSON,)
Plaintiff,)
)
v.)
)
JOHN HARDY, Supervisor at the)
Catawba County Mental Health))
Department, et al.,)
Defendants.)

ORDER

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint brought under 42 U.S.C. §1983, filed July 23, 2008. For the reasons stated herein, this Complaint will be dismissed with prejudice.

Plaintiff's Complaint consists of 10 pages of essentially undecipherable and/or nonsensical statements. However, as best the Court can tell, the crux of Plaintiff's allegations appear on pages four and five, where he alleges that:

For many years Catawba County Mental Health Services provided obstruction of justice services to that of Sheriff David Huffman, Nancy Enstine, Former State Judge, and Larry Henline in the attempted and/or conspiracy to commit murder against Plaintiff by former CIA Senior Chief Aldrich Ames who was found out to be committing espionage against the United States. The FBI was involved in the lie about how this family invested this million dollars and set up this fake business and sold these medical supplies. The Plaintiff's life

became what they thought was suppose to be the worlds business, that the worlds business did go to China from what was Russia because of President Clinton. Larry Henline, Former US Army, helped Ames into getting that 25 million dollars worth of cocaine into the country, which then Ernie Powell Ellis that from a General Colin Powell invented crack cocaine for the KGB - Ames. John Hardy also former Army along with Dan Martin were appointed illegally by the Courts at one point as Guardian of Plaintiff because of this. The Plaintiff's civil rights were constantly being violated because of their constant obstruction of justice of others and also lead to the Iraq war about that 20 Billion dollar satellite station that was built by the US Army for Aldrich Ames from that Colombian cocaine that Larry Henline wrongfully took claim of after Aldrich Ames was found out to be committing espionage against the United States Government when Larry Henline and that of Former President Clinton gave to China from what was Russia to protect their "own" homes and land security and get rid of the Plaintiff and any evidence of what really took place and was happening, supporting communism and terrorism along with President Bush. USC Codes in violation of are 18 USC § 1001 Obstruction of Justice for Terrorism 42 USC § 1983 Civil Rights Violation; 18 USC § 241 Conspiracy Against Civil Rights; 18 USC 242 Depreavation of Civil Rights; 18 USC § 2x3.1 Accessory to After the Fact of Conspiracy to Commit Murder USC 18 § 2A1.5 18 USC § 1512 Witness Tampering; 18 USC § 2EQ.1 Physical Restraint for Extortion 18 USC § 2B1.5 Fraud and Deceit 21 USC § Racketerring with a Controlled Substance.

By way of relief, "Plaintiff seeks relief in the amount of 20 million dollars for the years fo on going criminal intent and civil rights violation of Catawba County Mental Health and its employees 50 million is also for the punitive damages and also criminal charges brought against the defendants from the ones

stated in this petition." Notwithstanding his apparent belief to the contrary, however, Plaintiff's Complaint must be dismissed for its failure to state a federal claim for relief.

Indeed, it goes without saying that Plaintiff's strange allegations are both far too bizarre and too conclusory to state a constitutional claim for relief. See Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (in determining whether complaint is factually frivolous, a district court is not required to "accept without question the truth of plaintiff's allegations," but rather is permitted to apply common sense and reject the fantastic); see also Cochran v. Morris, 73 F.3d 1310, 1317 (4th Cir. 1996) (noting that to survive review for factual frivolousness, a plaintiff proceeding in forma pauperis cannot rely merely on "conclusory allegations."); and Adams v. Rice, 40 F.3d 72, 74 (4th Cir. 1994) (noting plaintiff "must present more than naked allegations" to survive dismissal).

Accordingly, it is clear that Plaintiff's Complaint must be dismissed because it falls far short of setting forth any allegations upon which relief can be granted.

NOW, THEREFORE, IT IS ORDERED that the instant Complaint is **DISMISSED with prejudice** for Plaintiff's failure to state a federal claim for relief. See 28 U.S.C. §1915A(b) (1).

SO ORDERED.

Signed: July 24, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

